UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,364	11/21/2003	Chris A. Peirson	41722-P001US	3590

7590   09/27/2007

Michael P. Adams
Winstead Sechrest & Minick P.C.
400 North Ervay Street
P.O. Box 50784
Dallas, TX 75201

EXAMINER
TROTTER, SCOTT S

ART UNIT	PAPER NUMBER
3694	

MAIL DATE	DELIVERY MODE
09/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/719,364	PEIRSON ET AL.
Office Action Summary	Examiner	Art Unit	
	Scott S. Trotter	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _12 May 2004_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-25_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-25_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the application filed November 21, 2003.

Specification

2.   The abstract of the disclosure is objected to because it exceeds the limit of 150

words. Correction is required. See MPEP § 608.01(b).

Drawings

3.   The following informality has been noted and requires correction in response to

this Office Action. Most of the figures are hand numbered and some of the drawing item

numbering is also hand numbered.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the
> United States before the invention thereof by the applicant for patent, or on an international application
> by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
> title before the invention thereof by the applicant for patent.

5.   Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Hall et

al. (U.S. Patent 7,085,735 B1, hereafter Hall).

As per claim 1 Hall teaches:

A method of managing the closing of a real property transaction using a

networked computer system, wherein the computer system includes one or more client

computers, a server computer, and a network which interfaces the one or more client

computers and the server computer, (See Hall figure 1A.) the method comprising:

accessing through a first authorized party, one or more computer program products on

the server computer from one of the one or more client computers, to manage the

closing of a real property transaction; (See Hall column 4 lines 26-42.)

entering, through the first authorized party only, a first group of data into a settlement

statement used in a real property transaction; (See Hall column 4 lines 26-42.)

accessing through a second authorized party, the one or more computer program

products on the server computer from one of the one or more client computers; (See

Hall column 4 lines 26-42.)

entering, through the second authorized party only, a second group of data into the

settlement statement; (See Hall column 4 lines 26-42.)

authorizing by the first party the second group of data entered by the second party; (See

Hall column 4 lines 26-42.)

wherein the real property transaction will be presented for funding and the settlement

statement will be presented for signature only if the first party authorizes the second

group of data entered into the settlement statement by the second party. (See Hall

column 4 lines 43-61. Removing contingencies which requires the other parties

authorization are needed to avoid canceling the transaction.)

As per claim 2 Hall teaches:

The method of claim 1, wherein the first group of data may be entered manually or through importing. (*See Hall column 4 lines 26-42.* The data is entered by filling out a questionnaire, which is manual entry of the data.)

As per claim 3 Hall teaches:

The method of claim 1, further comprising the step of notifying the first party and the second party of progress in the real property transaction and any changes in the settlement statement. (*See Hall column 20 lines 16-65 and column 24 lines 5-12.*)

As per claim 4 Hall teaches:

The method of claim 1, further comprising the step of auditing data entered by the first party or the second party. (*See Hall column 4 lines 26-42.* The buyer and seller must agree on terms including how a term can be satisfied for example the passage of time or approval of the other or a third party.)

As per claim 5 Hall teaches:

The method of claim 1, wherein if the real property transaction is to be funded, further comprising the step of comparing an amount of funds requested on the settlement statement with any amounts of funds to be received or disbursed, and noting any discrepancies in the amounts. (*See Hall column 20 lines 16-46.* The "Funds Required to Close" show the monetary discrepancies that would keep a transaction from closing.)

As per claim 6 Hall teaches:

The method of claim 1, further comprising the steps of:

accessing through a third authorized party, the one or more computer program products on the server computer from one of the one or more client computers; (*See figure 1A*) receiving confirmation, through the third party, that the first party authorizes the data entered into the settlement statement or authorizes funding of the real property transaction; (*See Hall column 20 lines 66- column 21 line 30.*) and

funding, through the third party, the real property transaction if the third party receives said confirmation. (*See Hall column 20 lines 66- column 21 line 30. Standard conditions must be met for the transaction to be funded.*)

As per claim 7 Hall teaches:

The method of claim 6, wherein if said confirmation is received, the funding is transmitted electronically using a send computer program product on one of the one or more client computers, accessed by the third party, and a receive computer program product on a second of the one or more client computers, accessed by the second party. (*See Hall column 21 lines 17-20.*)

As per claim 8 Hall teaches:

The method of claim 6, further comprising the steps of:

placing, through the third party, conditions on the funding that the second party must satisfy; (*See Hall column 21 lines 13-17.*) and

rejecting, through the third party, the funding if the conditions are not satisfied. (*See Hall column 21 lines 51-56 and column 4 line 43-47.*)

As per claim 9 Hall teaches:

The method of claim 6, further comprising the step of:

auditing, prior to funding, the settlement statement. (*See Hall column 20 lines 16-46 and column 23 lines 1-14.* Calculating the amount to close and checking the trust account amounts are auditing the settlement statement and can take place both before or after funding.)

As per claim 10 Hall teaches:

The method of claim 6 further comprising the step of auditing, after funding, the settlement statement versus the amount funded. (*See Hall column 20 lines 16-46 and column 23 lines 1-14.* Calculating the amount to close and checking the trust account amounts are auditing the settlement statement and can take place both before or after funding.)

As per claim 11 Hall teaches:

The method of claim 1, wherein the first party and the second party can respectively dynamically grow the first and second groups of data while the data is entered into the settlement statement. (*See Hall column 4 lines 26-42.*)

As per claim 12 Hall teaches:

The method of claim 7, wherein the third party and the second party are automatically notified of a change in status of the funding. (*See Hall column 5 lines 59-63.*)

As per claim 13 Hall teaches:

A method of managing the closing of a real property transaction using a networked computer system, wherein the computer system includes one or more client

computers, a server computer, and a network which interfaces the one or more client

computers and the server computer, (*See Hall figure 1A.*) the method comprising:

accessing through a first authorized party, one or more computer program products on

the server computer from one of the one or more client computers, to manage the

closing of a real property transaction; (*See Hall column 4 lines 26-42.*)

entering, through the first authorized party only, a first group of data into a settlement

statement used in a real property transaction, wherein the first party can dynamically

grow the first group of data while the data is entered into the settlement statement; (*See*

Hall column 4 lines 26-42.)

accessing through a second authorized party, the one or more computer program

products on the server computer from one of the one or more client computers; (*See*

Hall column 4 lines 26-42.)

entering, through the second authorized party only, a second group of data into the

settlement statement, wherein the second party can dynamically grow the second group

of data while the data is entered into the settlement statement; (*See Hall column 4 lines*

26-42.)

authorizing by the first party the second group of data entered by the second party; (*See*

Hall column 4 lines 26-42.)

accessing through a third authorized party, the one or more computer program products

on the server computer from one of the one or more client computers; (*See Hall figure*

1A and column 4 lines 26-42. The internet is a third party through which the computers

are accessed.)

receiving confirmation, through the third party, that the first party authorizes said data

entered into the settlement statement or authorizes funding of the real property

transaction; (*See Hall column 20 lines 66-column 21 line 30.*) and

electronically funding, through the third party, the real property transaction if the third

party receives said confirmation. (*See Hall column 21 lines 17-22.*)

As per claim 14 Hall teaches:

The method of claim 13, further comprising the step of auditing data entered by

the first party or the second party. (*See Hall column 4 lines 26-42.* The buyer and seller

must agree on terms including how a term can be satisfied for example the passage of

time or approval of the other or a third party.)

As per claim 15 Hall teaches:

The method of claim 13, wherein if said confirmation is received, the funding is

transmitted electronically using a send computer program product on one of the one or

more client computers, accessed by the third party, and a receive computer program

product on a second of the one or more client computers, accessed by the second

Party. (*See Hall column 21 lines 17-20.*)

As per claim 16 Hall teaches:

The method of claim 13, further comprising the steps of:

placing, through the third party, conditions on the finding that the second party must

satisfy; (*See Hall column 21 lines 13-17.*) and

rejecting, through the thud party, the funding if the conditions are not satisfied. (*See Hall

column 21 lines 51-56 and column 4 line 43-47.*)

As per claim 17 Hall teaches:

The method of claim 13, further comprising the step of:

auditing, prior to funding, the settlement statement. (*See Hall column 20 lines 16-46 and*

column 23 lines 1-14. Calculating the amount to close and checking the trust account

amounts are auditing the settlement statement and can take place both before or after

funding.)

As per claim 18 Hall teaches:

The method of claim 13 further comprising the step of auditing, after funding, the

settlement statement versus the amount funded. (*See Hall column 20 lines 16-46 and*

column 23 lines 1-14. Calculating the amount to close and checking the trust account

amounts are auditing the settlement statement and can take place both before or after

funding.)

As per claims 19 and 20 see the rationales of claims 1 and 2 since they are

parallel system claims to the method of claims 1 and 2.

As per claim 21 Hall teaches:

The system of claim 19, further comprising:

a third client computer, (*See figure 1A*) which interfaces with the server computer

through a network, for accessing the one or more computer program products on the

server computer to enable a third authorized party only to receive confirmation that the

first party authorizes the data entered into the settlement statement or authorizes

funding of the real property transaction; (*See Hall column 20 lines 66- column 21 line*

30.) and

means for electronically funding, through the third client computer, the real property

transaction if the third party receives said confirmation. (*See Hall column 20 lines 66-*

column 21 line 30. Standard conditions must be met for the transaction to be funded.)

As per claim 22 Hall teaches:

The method of claim 21, further comprising:

a send computer program product on the third client computer;

a receive computer program product on the second client computer; and

wherein if said confirmation is received, the funding can be transmitted electronically

using the send computer program product on the third client computer and a receive

computer program product on the second client computer. (*See Hall column 21 lines*

17-20.)

As per claim 23 Hall teaches:

The system of claim 19, wherein the first party and the second party can

respectively dynamically grow the first and second groups of data while the data is

entered into the settlement statement. (*See Hall column 4 lines 26-42.*)

As per claim 24 Hall teaches:

One or more program storage media readable by a machine and containing

instructions for performing the method contained in claim 1. (*See Hall column 9 lines*

67-column 10 line 4.)

As per claim 25 Hall teaches:

One or more program storage media readable by a machine and containing instructions for performing the method contained in claim 13. (*See Hall column 9 lines 67-column 10 line 4.*)

Conclusion

6.   Examiner's Note: The Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

7.   Any inquiry concerning this communication from the examiner should be directed to Scott S. Trotter, whose telephone number is 571-272-7366. The examiner can normally be reached on 8:30 AM – 5:00 PM, M-F.

8.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell, can be reached on 571-272-6712.

9.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10.   The fax phone number for the organization where this application or proceeding

is assigned are as follows:

(571) 273-8300   (Official Communications; including After Final

Communications labeled "BOX AF")

(571) 273-6705   (Draft Communications)

Scott Trotter
9/24/2007

Mary chen
Primary Examiner